Case: 4:16-cv-01719 Doc. #EXHTIBIT1/19/16 Page: 1 of 26622107609933

STATE OF MISSOURI)	SS.		
CITY OF ST. LOUIS)			
IN THE CIRC	UIT COURT OF THE	E CITY OF	F ST. LOUIS
	STATE OF MISS	SOURI	
RAYMOND NAGY,)		
)		
Plaintiff,)	Cause	Number:
)		
VS.)		
)		

OF WISCONSIN, Serve: Missouri Division of Insurance

Defendant.

AMERICAN FAMILY INSURANCE COMPANY

301 W. High Street, Room 530 Jefferson City, MO 65101

PETITION - UNDERINSURED MOTORIST

)

)

)

Division Number:

COMES NOW Plaintiff, Raymond Nagy and for his cause of action against Defendant, states as follows:

- That Plaintiff was and at all times hereinafter mentioned a resident of the City of St. Louis, Missouri.
- Defendant is a duly organized and existing corporation organized in the business of insurance and transacts business in the City of St. Louis, State of Missouri.
- 3. On or about December 19, 2014, Plaintiff procured a policy of insurance from Defendant, said policy number 2315-0240-01 which was in full force and effect at the time mentioned

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herein below. A copy of the declaration page is attached hereto marked as Exhibit 1 and incorporated herein by reference.

- 4. That said policy of insurance provided for underinsured motorist's coverage in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) per person and Five Hundred Thousand Dollars (\$500,000.00) per accident.
- 5. On or about June 27, 2015, at approximately 1:30 p.m., Plaintiff owned and was operating a 2007 Big Bear Chopper motorcycle when he was struck by a 2013 Toyota Corolla owned by Jacqueline Ewing.
- 6. That the driver of the 2013 Toyota Corolla was negligent and careless in making a u-turn in front of the motorcycle operated by Plaintiff, striking Plaintiff to the ground at or near the intersection or Morganford and Quincy in the City of St. Louis.
- 7. That the operator of the 2013 Toyota Corolla owned by Jacqueline Ewing was negligent and careless in the following respects:
 - a. In failing to keep a careful lookout;
 - b. In making an illegal u-turn;
 - c. In driving carelessly and recklessly under the circumstances;
 - d. In failing to yield to the right of way to oncoming traffic.

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- 8. That as a direct and proximate result of the negligence and carelessness of said driver, Plaintiff, Raymond Nagy suffered serious, permanent and disabling injuries to his right leg, suffered a fractured right tibia and right fibula, said fractures required two operations and suffered abrasions to his left thigh, chin, right hand, right forearm, and has incurred medical bills in excess of Two Hundred Thousand Dollars (\$200,000.00) and will incur future medical bills. Further, Plaintiff has suffered lost wages and has been unable to return to work since the accident.
- 9. That Jacqueline Ewing had liability insurance with Geico Insurance Company with coverage for One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per occurrence. See Exhibit 2 attached hereto and incorporated herein by reference.
- 10. That Jacqueline Ewing's insurance carrier paid the maximum amount owing and due under her policy of insurance, One Hundred Thousand Dollars (\$100,000.00) on or about November 25, 2015. See Exhibit 3 attached hereto and incorporated herein by reference.
- 11. That Plaintiff has incurred damages well in excess of Three Hundred and Fifty Thousand Dollars (\$350,000.00).
- 12. Demand has been made upon Defendant, but it has refused to honor its contract and to pay the amounts owing and due under the policy of insurance.

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 4 of 26 PageID #: 8

13. That the failure to pay the policy limits of Two Hundred and Fifty Thousand Dollars (\$250,000.00) and the delay to make payment to Plaintiff pursuant to the policy provisions of his underinsured motor vehicle coverage is vexations in nature to the extent so as to justify and cause an award of additional loss to the Plaintiff from the delay and the refusal and for attorney's fees related to this action pursuant to \$375.296 and \$375.420 of the Revised Statutes of Missouri.

WHEREFORE, Plaintiff prays judgment against the Defendant for damages in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00); for interest at the legal rate from the date of this Petition; and for an additional sum as and for attorney's fees and vexatious refusal; and for such other and further orders this Court deems just, meet and proper.

/s/ Joseph V. Neill
Joseph V. Neill #28472
Attorney for Plaintiff
5201 Hampton Avenue
St. Louis, Missouri 63109
Telephone: (314) 353-1001
Facsimile: (314) 353-0181
E-Mail: neill5300@aol.com

/s/ Reiad M. Khouri
Reiad M. Khouri #56414
Attorney for Plaintiff
5205 Hampton Avenue
St. Louis, Missouri 63109
Telephone: (314) 932-7671
Facsimile: (314) 932-7672
rmk@khourilawfirm.com

Page 1 of 2

FOR LIENHOLDER USE

Page: 5 of 26 PageID #: 9

2315-0240-01

MOTORCYCLE POLICY

AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN

A MEMBER OF THE AMERICAN FAMILY INSURANCE GROUP MADISON, WI

PLEASE READ YOUR POLICY

POLICY NUMBER 2315-0240-01

POLICYHOLDER/NAMED INSURED

NAGY, RAYMOND D

VEHICLE SYMBOL

EFFECTIVE

FROM 12-19-2014 TO 12-19-2015

ACCT 019-399-405-01

VIN 1B9SP21S67B631034

2007

BIGB

MCYC

CLASS CITY 7

1639

TERRITORY 81

DEMERIT POINTS 0

Electronically Filed - City of St. Louis - August 05, 2016 - 08:24 Alv

COVERAGES AND LIMITS PROVIDED

BODILY INJURY LIABILITY

\$250,000 EACH PERSON \$500,000 EACH OCCURRENCE

PROPERTY DAMAGE LIABILITY \$250,000 EACH OCCURRENCE

COMPREHENSIVE \$500 DEDUCTIBLE

COLLISION \$500 DEDUCTIBLE

PASSENGER LIABILITY COVERAGE

ADDITIONAL PROTECTION / ENDORSEMENTS

END 55 UNDERINSURED MOTORIST COVERAGE - BODILY INJURY ONLY

\$250,000 EACH PERSON \$500,000 EACH ACCIDENT

END 53 UNINSURED MOTORIST - BODILY INJURY ONLY \$250,000 EACH PERSON \$500,000 EACH ACCIDENT

50 PLUS DISCOUNT HAS BEEN APPLIED

Declarations effective on the date shown above. These declarations form a part of this policy and replace all other declarations which may have been issued previously for this policy. If this declarations is accompanied by a new policy, the policy replaces any which may have been issued before with the same policy number.

AUTHORIZED REPRESENTATIVE

President

Secretary

AGENT 021-164

PHONE (314) 832-1800

ANTHONY PALMISANO 6005 HAMPTON AVE SAINT LOUIS, MO 631093608 USER ID **ENTRY DATE** SIS ID

RAG033 07-22-2015 60887202

11 02 15

0071632970101204

Affidavit for Jacqueline Ewing

I, Jacqueline Ewing, being first duly sworn on oath, depose and state as follows:

I had no other insurance, including but not limited to excess and/or umbrella policies of insurance, which provides or may provide coverage for the motor vehicle collision which occurred on June 25, 2015 other than or in addition to my policy of insurance with GEICO General Insurance Company, policy number 4090897721, with Bodily Injury limits of \$100,000.00 per person, \$300,000.00 per occurrence.

FURTHER AFFIANT SAYETH NOT.

Subscribed and sworn to before me day of (1000 , 2015.

SARAH NELSON Notary Public-Notary Seat State of Missouri, St Charles Cou Commission # 1563404 My Commission Expl

200001007163297010120400459

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 7 of 26 PageID #: 11

GEICO GENERAL INSURANCE CO ONE GEICO CENTER MACON, GA 31296-0001

Claimant: Raymond Nagy

Feature Symbol & Amount ABI \$*100000.00

ONE-HUNDRED--THOUSAND*AND*00/100*DOLLARS**

Pay to the Order of: Raymond Nagy, a single individual and his Atty Joe Neill

Mail To: Joe Neill 5201 Hampton Ave Saint Louis Mo 63109-3102 Bank of America Hartford, CT 06120

Claim Number: 0071632970101204

Insured Name: Ms. Jacqueline Ewing NO. N 177459935 VOID AFTER 180 DAYS

Date: 11/25/2015

Amount: \$**100,000.00

In Payment of: Bodily Injury Coverage

Hallis White

119 CT

177459935# ##O11900445# 000000019191#



Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 8 of 26 PageID #: 12

acco.		
Judge or Division:	Case Number: 1622-CC09933	
BRYAN L HETTENBACH		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
RAYMOND NAGY	JOSEPH V NEILL	Special Process Server 2
	5201 HAMPTON AVE	
vs.	ST. LOUIS, MO 63109	Special Process Server 3
Defendant/Respondent:	Court Address:	
AMERICAN FAMILY INSURANCE COMPANY	CIVIL COURTS BUILDING	
OF WISCONSIN	10 N TUCKER BLVD	
Nature of Suit:	SAINT LOUIS, MO 63101	
CC Contract-Other		(Date File Stamp)

OF WISCONSIN		10 N TUCKER BLVI			
Nature of Suit: CC Contract-Other		SAINT LOUIS, MO	63101	(Date File Stamp))
	Sı	ummons in Civil	Case		
The State of Missouri MISSOURI DIVISION OF INS 301 W. HIGH STREET, ROOM JEFFERSON CITY, MO 6510	A 530	INSURANCE COMPA		OUNTY, MO	
COURT SEAL OF	which is attached, and above address all with file your pleading, jud August	to serve a copy of your p in 30 days after receiving gment by default may be	leading upon the attorney f this summons, exclusive of	ng to the petition, a copy of or Plaintiff/Petitioner at the the day of service. If you fall elief demanded in the petition	e ail to
CITY OF ST LOUIS	Date		Cle	rk	
	Further Information:	Sheriff's or Server's Re	turn		
(for service on a corpo	summons and a copy of the peopration) delivering a copy of the	a person of the Defer he summons and a copy of (name)	dant's/Respondent's family the petition to	over the age of 15 years. (tit	le). ·
					s)
in	(County/City o	of St. Louis), MO, on	(dat	e) at(time).
Printed Nan		efore me on	l by an authorized officer:	Sheriff or Server (date).	_
Sheriff's Fees		Date		Notary Public	

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 9 of 26 PageID #: 13

Jeremiah W.(Jay)Nixon Governor State of Missouri



Department of Insurance Financial Institutions and Professional Registration John M. Huff, Director

August 17, 2016

JOSPEH V NEILL 5201 HAMPTON AVE ST. LOUIS, MO 63109 ENTERED

AUG 2 4 2016

BAH

NOTICE OF REJECTION OF SERVICE

Please find enclosed the summons petition and any accompanying documents or other pleadings, which were recently received by the Department of Insurance, Financial Institutions and Professional Registration. These pleadings are being returned to you because:

Name of the insurance company defendant in such pleading or documents is either incomplete or inaccurate, making proper service questionable. Therefore, you must advise the Court of the name of the specific company on which you want service.

The Department will endeavor to effect service of process pursuant to stature when the above defects are cured and the corrected documents are served on us.

Sincerely,

Kimberly Landers

Paralegal

Enclosure: RAYMOND NAGY v. AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN

St. Louis City Circuit Court, Case Number: 1622-CC09933

Cc: St. Louis City Circuit Court

TE AUG 22 PM 12: LO

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 10 of 26 PageID #: 14

STATE OF MISSOURI)) SS.	
CITY OF ST. LOUIS)	
IN THE CIRCUIT COURT OF	THE CITY OF ST. LOUIS
STATE OF	MISSOURI
RAYMOND NAGY,))
Plaintiff,) Cause Number: 1622-CC09933
VS.))
AMERICAN STANDARD INSURANCE COMPA	NNY) Division Number: 1
Serve:)
Missouri Division of Insurance)
301 W. High Street, Room 530)
Jefferson City, MO 65101)
)
Defendant.)

REQUEST FOR ALIAS SUMMONS ORDER TO ISSUE

Come now Plaintiff, by and his attorney, and pursuant to Supreme Court Rule 54.15 and the Revised Statutes of Missouri, Section 506.240, requests service of process upon American Standard Insurance Company of Wisconsin by service of process to the Missouri Division of Insurance.

Plaintiff requests summons to the Cole County Sheriff to issue to the Missouri Division of Insurance to serve defendant, pursuant to the rules of court.

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 11 of 26 PageID #: 15

/s/ Joseph V. Neill
Joseph V. Neill #28472
Attorney for Plaintiff
5201 Hampton Avenue
St. Louis, Missouri 63109
Telephone: (314) 353-1001
Facsimile: (314) 353-0181
E-Mail: neill5300@aol.com

/s/ Reiad M. Khouri
Reiad M. Khouri #56414
Attorney for Plaintiff
5205 Hampton Avenue
St. Louis, Missouri 63109
Telephone: (314) 932-7671
Facsimile: (314) 932-7672
rmk@khourilawfirm.com

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 12 of 26 PageID #: 16

STATE OF MISSOURI)) SS. CITY OF ST. LOUIS)	
IN THE CIRCUIT COURT OF	THE CITY OF ST. LOUIS
STATE OF 1	MISSOURI
RAYMOND NAGY,)
Plaintiff,) Cause Number: 1622-CC09933
vs.)
AMERICAN STANDARD INSURANCE COMPANOF WISCONSIN, Serve: Missouri Division of Insurance 301 W. High Street, Room 530 Jefferson City, MO 65101	NY) Division Number: 1)))))))

FIRST AMENDED PETITION - UNDERINSURED MOTORIST

COMES NOW Plaintiff, Raymond Nagy and for his cause of action against Defendant, states as follows:

Defendant.

- 1. That Plaintiff was and at all times hereinafter mentioned a resident of the City of St. Louis, Missouri.
- 2. Defendant is a duly organized and existing corporation organized in the business of insurance, and transacts business in the City of St. Louis, State of Missouri.
- 3. On or about December 19, 2014, Plaintiff procured a policy of insurance from Defendant, said policy number 2315-0240-01 which was in full force and effect at the time mentioned

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 13 of 26 PageID #: 17

herein below. A copy of the declaration page is attached hereto marked as Exhibit 1 and incorporated herein by reference.

- 4. That said policy of insurance provided for underinsured motorist's coverage in the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00) per person and Five Hundred Thousand Dollars (\$500,000.00) per accident.
- 5. On or about June 27, 2015, at approximately 1:30 p.m., Plaintiff owned and was operating a 2007 Big Bear Chopper motorcycle when he was struck by a 2013 Toyota Corolla owned by Jacqueline Ewing.
- 6. That the driver of the 2013 Toyota Corolla was negligent and careless in making a u-turn in front of the motorcycle operated by Plaintiff, striking Plaintiff to the ground at or near the intersection or Morganford and Quincy in the City of St. Louis.
- 7. That the operator of the 2013 Toyota Corolla owned by Jacqueline Ewing was negligent and careless in the following respects:
 - a. In failing to keep a careful lookout;
 - b. In making an illegal u-turn;
 - c. In driving carelessly and recklessly under the circumstances;
 - d. In failing to yield to the right of way to oncoming traffic.

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 14 of 26 PageID #: 18

- 8. That as a direct and proximate result of the negligence and carelessness of said driver, Plaintiff, Raymond Nagy suffered serious, permanent and disabling injuries to his right leg, suffered a fractured right tibia and right fibula, said fractures required two operations and suffered abrasions to his left thigh, chin, right hand, right forearm, and has incurred medical bills in excess of Two Hundred Thousand Dollars (\$200,000.00) and will incur future medical bills. Further, Plaintiff has suffered lost wages and has been unable to return to work since the accident.
- 9. That Jacqueline Ewing had liability insurance with Geico Insurance Company with coverage for One Hundred Thousand Dollars (\$100,000.00) per person and Three Hundred Thousand Dollars (\$300,000.00) per occurrence. See Exhibit 2 attached hereto and incorporated herein by reference.
- 10. That Jacqueline Ewing's insurance carrier paid the maximum amount owing and due under her policy of insurance, One Hundred Thousand Dollars (\$100,000.00) on or about November 25, 2015. See Exhibit 3 attached hereto and incorporated herein by reference.
- 11. That Plaintiff has incurred damages well in excess of Three Hundred and Fifty Thousand Dollars (\$350,000.00).
- 12. Demand has been made upon Defendant, but it has refused to honor its contract and to pay the amounts owing and due under the policy of insurance.

Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 15 of 26 PageID #: 19

13. That the failure to pay the policy limits of Two Hundred and Fifty Thousand Dollars (\$250,000.00) and the delay to make payment to Plaintiff pursuant to the policy provisions of his underinsured motor vehicle coverage is vexations in nature to the extent so as to justify and cause an award of additional loss to the Plaintiff from the delay and the refusal and for attorney's fees related to this action pursuant to \$375.296 and \$375.420 of the Revised Statutes of Missouri.

WHEREFORE, Plaintiff prays judgment against the Defendant for damages in the amount of Two Hundred and Fifty Thousand Dollars (\$250,000.00); for interest at the legal rate from the date of this Petition; and for an additional sum as and for attorney's fees and vexatious refusal; and for such other and further orders this Court deems just, meet and proper.

/s/ Joseph V. Neill
Joseph V. Neill #28472
Attorney for Plaintiff
5201 Hampton Avenue
St. Louis, Missouri 63109
Telephone: (314) 353-1001
Facsimile: (314) 353-0181
E-Mail: neill5300@aol.com

/s/ Reiad M. Khouri
Reiad M. Khouri #56414
Attorney for Plaintiff
5205 Hampton Avenue
St. Louis, Missouri 63109
Telephone: (314) 932-7671
Facsimile: (314) 932-7672
rmk@khourilawfirm.com

Page 1 of 2

FOR LIENHOLDER USE

2315-0240-01

Electronically Filed - City of St. Louis - September 02, 2016 - 11:35

MOTORCYCLE POLICY

AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN A MEMBER OF THE AMERICAN FAMILY INSURANCE GROUP MADISON, WI

PLEASE READ YOUR POLICY

POLICY NUMBER 2315-0240-01

POLICYHOLDER/NAMED INSURED

NAGY, RAYMOND D

VEHICLE SYMBOL

EFFECTIVE FROM 12-19-2014 TO 12-19-2015 ACCT 019-399-405-01

VIN 1B9SP21S67B631034

2007

BIGB

MCYC

CLASS CITY 7

1639

TERRITORY 81

DEMERIT POINTS

COVERAGES AND LIMITS PROVIDED

BODILY INJURY LIABILITY

\$250,000 EACH PERSON \$500,000 EACH OCCURRENCE

PROPERTY DAMAGE LIABILITY \$250,000 EACH OCCURRENCE

COMPREHENSIVE \$500 DEDUCTIBLE

COLLISION \$500 DEDUCTIBLE

PASSENGER LIABILITY COVERAGE

ADDITIONAL PROTECTION / ENDORSEMENTS

END 55 UNDERINSURED MOTORIST COVERAGE - BODILY INJURY ONLY \$250,000 EACH PERSON \$500,000 EACH ACCIDENT

END 53 UNINSURED MOTORIST - BODILY INJURY ONLY \$250,000 EACH PERSON \$500,000 EACH ACCIDENT

50 PLUS DISCOUNT HAS BEEN APPLIED

Declarations effective on the date shown above. These declarations form a part of this policy and replace all other declarations which may have been issued previously for this policy. If this declarations is accompanied by a new policy, the policy replaces any which may have been issued before with the same policy number.

AUTHORIZED REPRESENTATIVE

President

100

AGENT 021-164

PHONE (314) 832-1800

ANTHONY PALMISANO 6005 HAMPTON AVE SAINT LOUIS, MO 631093608

USER ID ENTRY DATE SIS ID RAG033 07-22-2015 60887202

Affidavit for Jacqueline Ewing

I, Jacqueline Ewing, being first duly sworn on oath, depose and state as follows:

I had no other insurance, including but not limited to excess and/or umbrella policies of insurance, which provides or may provide coverage for the motor vehicle collision which occurred on June 25, 2015 other than or in addition to my policy of insurance with GEICO General Insurance Company, policy number 4090897721, with Bodily Injury limits of \$100,000.00 per person, \$300,000.00 per occurrence.

FURTHER AFFIANT SAYETH NOT.

Jagqueline Ewing

Subscribed and sworp to before me day of OctOber, 2015.

SARAH NELSON State of Mis

200001007163297010120400459

GEICO GENERAL INSURANCE CO ONE GEICO CENTER MACCIN, GA 31296-0001.

Claimants Raymond Nagy

Feature Symbol & Amount

ABI \$*100000.00

Pay to the Order of: Raymond Nagy, a single individual and his Atty Joe Neill

Mail To: Joe Neill 5201 Hampton Ave Saint Louis Mo 63109-3102 Bank of America Hartford, CT 06120

Claim Number: 0071632970101204

0101204 Insured Name: Ms. Jacqueline Ewing

<u>51-44</u> 119 CT NO. N. 177459935 VOID AFTER 180 DAYS Date: 11/25/2016

> Amount: \$**100,000.00

Electronically Filed - City of St. Louis - September 02, 2016 - 11:35

in Payment of: Bodily Injury Coverage

Hallis White

#177459935# #011900445# 000000019191#

3



Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 19 of 26 PageID #: 23

-00-		
Judge or Division:	Case Number: 1622-CC09933	
BRYAN L HETTENBACH		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
RAYMOND NAGY	JOSEPH V NEILL	Special Process Server 2
	5201 HAMPTON AVE	
vs.	ST. LOUIS, MO 63109	Special Process Server 3
Defendant/Respondent:	Court Address:	
AMERICAN FAMILY INSURANCE COMPANY	CIVIL COURTS BUILDING	
OF WISCONSIN	10 N TUCKER BLVD	
Nature of Suit:	SAINT LOUIS, MO 63101	
CC Contract-Other		(Date File Stamp)

F WISCONSIN		CKER BLVD			
ature of Suit:	SAINT LO	OUIS, MO 63101			
C Contract-Other				(Date File Stamp)
	Alias Summo	ons in Civil Case			
The State of Missouri t	o: AMERICAN FAMILY INSURANCE	CE COMPANY OF WISCON	NSIN		
MISSOURI DIVISION OF INS 601 W HIGH STREET ROOM : 1EFFERSON CITY, MO 65101		C	ole County S	Sheriff	
COURT SEAL OF	You are summoned to appear which is attached, and to serve a co above address all within 30 days affile your pleading, judgment by def September 12, 2016	py of your pleading upon the ter receiving this summons, e	attorney for Pl xclusive of the o u for the relief o	laintiff/Petitioner at the day of service. If you fa demanded in the petition	il to
CITY OF ST LOUIS	Date		Clerk)	_
CITT OF ST LOUIS	Further Information:				
	Sheriff's or	Server's Return			
I certify that I have served delivering a copy of the	ummons should be returned to the court we the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the dependent of the period of the petition at the dependent of the dep	e Defendant/Respondent. welling place or usual abode or	f the Defendant/		
I certify that I have served delivering a copy of the leaving a copy of the st	the above summons by: (check one) e summons and a copy of the petition to th ammons and a copy of the petition at the d	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Responder and a copy of the petition to	f the Defendant/nt's family over	the age of 15 years.	le).
I certify that I have served delivering a copy of the leaving a copy of the st	the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the department of the apersor ration) delivering a copy of the summons a	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Responder und a copy of the petition to(name)	f the Defendant/ nt's family over	the age of 15 years. (tit	le).
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor	the above summons by: (check one) e summons and a copy of the petition to th ammons and a copy of the petition at the da persor ration) delivering a copy of the summons a	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Respondent and a copy of the petition to (name)	f the Defendant/nt's family over	the age of 15 years(tit	
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor other Served at	the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the department of the apersor action) delivering a copy of the summons a	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Responder und a copy of the petition to (name)	f the Defendant/ nt's family over	the age of 15 years(tit	·
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor other Served at in	the above summons by: (check one) e summons and a copy of the petition to th ammons and a copy of the petition at the da persor ration) delivering a copy of the summons a	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Respondent and a copy of the petition to(name)	f the Defendant/ nt's family over	the age of 15 years(tit(addres	·
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor other Served at in	the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the description at the description at the description at copy of the summons are described by the summon	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Responder and a copy of the petition to (name) MO, on	f the Defendant/nt's family over (date) at	the age of 15 years(tit(addres	
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor other	the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the description at the descript	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Respondent and a copy of the petition to (name) MO, on if not served by an authorize	f the Defendant/nt's family over (date) at Signature of Sheri	the age of 15 years. (tit(address	 s)
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor other Served at in	the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the description at the descript	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Responder and a copy of the petition to (name) MO, on if not served by an authorize	f the Defendant/nt's family over (date) at Signature of Sheri	the age of 15 years. (tit(address	 s)
I certify that I have served delivering a copy of the leaving a copy of the service on a corpor other other Served at in Printed Name	the above summons by: (check one) e summons and a copy of the petition to the ammons and a copy of the petition at the description at the descript	e Defendant/Respondent. welling place or usual abode or n of the Defendant's/Responder and a copy of the petition to (name) MO, on if not served by an authorize	f the Defendant/nt's family over (date) at Signature of Sheried officer:	the age of 15 years. (tit(address	 s)



Case: 4:16-cv-01719 Doc. #: 1-2 Filed: 11/03/16 Page: 20 of 26 PageID #: 24

Judge or Division:	Case Number: 1622-CC09933	
BRYAN L HETTENBACH		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
RAYMOND NAGY	JOSEPH V NEILL	Special Process Server 2
	5201 HAMPTON AVE	
vs.	ST. LOUIS, MO 63109	Special Process Server 3
Defendant/Respondent: AMERICAN STANDARD INSURANCE	Court Address: CIVIL COURTS BUILDING	
COMPANY OF WISCONSIN	10 N TUCKER BLVD	
Nature of Suit:	SAINT LOUIS, MO 63101	
CC Contract-Other		(Date File Stamp)

COMPANY OF WISCONS			
Nature of Suit:	SAINT LOUIS, MO 631	.01	
CC Contract-Other			(Date File Stamp)
	Summons in Civil C	ase	
The State of Missouri	to: AMERICAN STANDARD INSURANCE COMPA	NY OF WISCONSIN	
COMMISSIONER OF INSUR. 301 WEST HIGH ST ROOM 5 JEFFERSON CITY, MO 6510	30	COLE COUN	TY
COURT SEAL OF	You are summoned to appear before this court which is attached, and to serve a copy of your plead above address all within 30 days after receiving this file your pleading, judgment by default may be take September 26, 2016	ling upon the attorney for Pl s summons, exclusive of the c	aintiff/Petitioner at the lay of service. If you fail to
CITY OF ST LOUIS	Date	Clerk	,
	Further Information:		
	Sheriff's or Server's Return		
	the above summons by: (check one)		
I certify that I have served delivering a copy of the leaving a copy of the s	I the above summons by: (check one) ne summons and a copy of the petition to the Defendant/Respondents and a copy of the petition at the dwelling place or the petition at the dwelling	pondent. usual abode of the Defendant/I nt's/Respondent's family over to petition to	the age of 15 years.
I certify that I have served delivering a copy of the leaving a copy of the s	If the above summons by: (check one) The summons and a copy of the petition to the Defendant/Respondence and a copy of the petition at the dwelling place or a person of the Defendant pration) delivering a copy of the summons and a copy of the	pondent. usual abode of the Defendant/l nt's/Respondent's family over a petition to	the age of 15 years.
I certify that I have served delivering a copy of the leaving a copy of the service on a corporation of the service	It the above summons by: (check one) ne summons and a copy of the petition to the Defendant/Respondents and a copy of the petition at the dwelling place or a person of the Defendant oration) delivering a copy of the summons and a copy of the	pondent. usual abode of the Defendant/I nt's/Respondent's family over to petition to	the age of 15 years.
I certify that I have served delivering a copy of the leaving a copy of the service on a corporation of the service	If the above summons by: (check one) The summons and a copy of the petition to the Defendant/Respondents and a copy of the petition at the dwelling place or a person of the Defendant praction) delivering a copy of the summons and a copy of the (name)	pondent. usual abode of the Defendant/I nt's/Respondent's family over to petition to	the age of 15 years(title)(address)
I certify that I have served delivering a copy of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service of the leaving a copy of the service of the leaving a copy of the service of the service of the leaving a copy of the service of the service of the leaving a copy of the service of t	It the above summons by: (check one) ne summons and a copy of the petition to the Defendant/Respondents and a copy of the petition at the dwelling place or a person of the Defendant oration) delivering a copy of the summons and a copy of the	pondent. usual abode of the Defendant/I nt's/Respondent's family over septition to (date) at	the age of 15 years(title)(address)(time).
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I certify that I have served delivering a copy of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service on a corport of the leaving a copy of the service of the leaving a copy of the service of the leaving a copy of the service of the service of the leaving a copy of the service of the service of the leaving a copy of the service of t	the above summons by: (check one) ne summons and a copy of the petition to the Defendant/Respondent and a copy of the petition at the dwelling place or a person of the Defendant oration) delivering a copy of the summons and a copy of the uname) (County/City of St. Louis), MO, on	pondent. usual abode of the Defendant/I nt's/Respondent's family over a petition to (date) at Signature of Sheri v an authorized officer:	the age of 15 years. (title)(address)(time).
I certify that I have served delivering a copy of the leaving a copy of the service on a corporation of the service on a corporation of the served at	the above summons by: (check one) ne summons and a copy of the petition to the Defendant/Respondent and a copy of the petition at the dwelling place or a person of the Defendant oration) delivering a copy of the summons and a copy of the	pondent. usual abode of the Defendant/I nt's/Respondent's family over a petition to	the age of 15 years. (title)(address)(time).

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-0000		
Judge or Division:	Case Number: 1622-CC09933	
BRYAN L HETTENBACH		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	
RAYMOND NAGY	JOSEPH V NEILL	Special Process Server 2
	5201 HAMPTON AVE $oldsymbol{D}$	Special Flocess Server 2
vs.	ST. LOUIS, MO 63109	Canaciat Process Server 3
	Court Address:	-Special Hotessisches
Defendant/Respondent: AMERICAN FAMILY INSURANCE COMPANY	CIVIL COURTS BUILDING	CLU
	10 N TUCKER BLVD	JEP 1 9 2016
OF WISCONSIN		71-
Nature of Suit:	SAINT LOUIS, MO 63101	REE COLLARON
CC Contract-Other	OHE	RIFF (Date File Stamp)
Alias	Summons in Civil Case	OHLICE
The State of Missouri to: AMERICAN FAMILY	INSURANCE COMPANY OF WISCONSIN	
Alias:		
MISSOURI DIVISION OF INSURANCE	Cole County S	horiff
301 W HIGH STREET ROOM 530	Cole County S	oner III
JEFFERSON CITY, MO 65101		
COURT SEAL OF You are summone	d to appear before this court and to file your pleading to	the petition, a copy of
which is attached, and	to serve a copy of your pleading upon the attorney for Pl	aintiff/Petitioner at the
above address all withi	n 30 days after receiving this summons, exclusive of the	lay of service. If you fail to
file your pleading, judg	ment by default may be taken against you for the relief	lemanded in the petition.
September 12	. 2016 TP Warner	
	, Junes Judgifung	yen.
Date	Clerk	20
CITY OF ST LOUIS Further Information:		5 705
Tattlet intolliation.	Sheriff's or Server's Return	<u> </u>
Note to serving officer: Summons should be returned to		무구는
		~ 2 <u>5</u> 5
I certify that I have served the above summons by: (che	· ·	ה הכד
delivering a copy of the summons and a copy of the		_ <u> </u>
leaving a copy of the summons and a copy of the per	tition at the dwelling place or usual abode of the Defendant/	Respondent 11th
	a person of the Defendant's/Respondent's family over	the age of 1 ears =
(for service on a corporation) delivering a copy of the	e summons and a copy of the petition to	<u> </u>
Kin Janley	(nama) On	1 55.
	(name)	inte).
other		<u> </u>
Served at 30 WHigh		(addmara)
	alialli	(address)
in (County/City of	f St. Louis), MO, on (date) at	928 m (time).
for Mr	R. Jeh Sal	48/
Frinted Name of Sheriff or Server	Signature of Sheri	ff or Server
Must be swarn before a n	otary public if not served by an authorized officer:	30. 00.
(Seal) Subscribed and sworn to be	efore me on(date).
My commission expires:		
	Date	lotary Public
Sheriff's Fees		0
Summons \$		(3) (3)
Non Est \$		9 0
Sheriff's Deputy Salary		62.77
Supplemental Surcharge \$10.00		() () ()
Mileage \$(_	miles @ \$ per mile)	
Total \$		
A copy of the summons and a copy of the petition mus	t be served on each Defendant/Respondent. For methods	f service on all classes of
suits, see Supreme Court Rule 54.		

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IN THE 22ND JUDICIAL CIRCUIT COURT, CITY OF ST LOUIS, MISSOURI

Judge or Division:	Case Number: 1622-CC09933	
BRYAN L HETTENBACH		Special Process Server 1
Plaintiff/Petitioner:	Plaintiff's/Petitioner's Attorney/Address	_
RAYMOND NAGY	JOSEPH V NEILL	Special Process Server 2
RATMOND NAUT	5201 HAMPTON AVE	Special Frocess Server 2
Vs.	ST. LOUIS, MO 63109	Special Process Server 3
Defendant/Respondent:	Court Address:	FCFT TO
AMERICAN STANDARD INSURANCE	CIVIL COURTS BUILDING	
COMPANY OF WISCONSIN	10 N TUCKER BLVD	SEP 20
Nature of Suit:	SAINT LOUIS, MO 63101	2 9 2016
CC Contract-Other	\mathcal{Q}	F (Date File Stamp)
Sr	immons in Civil Case	IFF'S CINTY
		- S OFFICE
The State of Missouri to: AMERICAN STANDA Alias:	RD INSURANCE COMPANY OF WISCONSIN	
COMMISSIONER OF INSURANCE	COLE COUN	TV
301 WEST HIGH ST ROOM 530	COLD COOK	• •
JEFFERSON CITY, MO 65101		
personal desirable and the second	3 to annual before this court and to file your pleading to	the metition a some of
	d to appear before this court and to file your pleading to to serve a copy of your pleading upon the attorney for Pl	
above address all withi	n 30 days after receiving this summons, exclusive of the	day of service. If vot fail to
file your pleading, judg	ment by default may be taken against you for the relief	demanded on the petition.
	ber 26, 2016 The Benn	<u> </u>
Soptem		7 3 76
CITY OF ST LOUIS Date	Clerk	- = = =
Further Information:		7 ER
	Sheriff's or Server's Return	P X
Note to serving officer: Summons should be returned	to the court within thirty days after the date of issue.	- •.0
I certify that I have served the above summons by: (che	eck one)	2: PF
delivering a copy of the summons and a copy of the	petition to the Defendant/Respondent.	3 55
leaving a copy of the summons and a copy of the pe	tition at the dwelling place or usual abode of the Defendant/	Respondent with
	a person of the Defendant's/Respondent's family over	the age of 15 years.
(for service on a corporation) delivering a copy of the		
Kash mya La	Hu (name) DAM	(title).
Other		
0, 1, 11		
5011044	~/- //-	(address)
in (County/City o	f St. Louis), MO, on(date) at	time).
Co M	Ry John State	K Y
Printed Name of Sheriff or Server	Signature of Sher	iff or Server
Must be sworn before a r	otary public if not served by an authorized officer:	
Subscribed and sworn to b	efore me on	(date).
(Seal)		
My commission expires:	Date	Notary Public
Sheriff's Fees		9
Summons \$		~ €
Non Est \$		50
Sheriff's Deputy Salary		グゼ
Supplemental Surcharge \$ 10.00	miles @ \$ per mile)	$\cup \mathcal{S}$
Mileage \$ (Total \$	miles (a) 9 per inite)	
A copy of the summons and a copy of the petition mu	st be served on each Defendant/Respondent. For methods	of service on all classes of
suits, see Supreme Court Rule 54.	-	

ENTERED

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IN THE CIRCUIT COURT OF ST. LOUIS CITY STATE OF MISSOURI

RAYMOND NAGY,)	
Plaintiff)	
v.)	Cause No. 1622-CC09933
AMERICAN FAMILY INSURANCE COMPANY OF WISCONSIN,)))	Division No. 1
Defendant.)))	

ENTRY OF APPEARANCE

COMES NOW James A. Harfst, and enters his appearance on behalf of Defendant

American Family Insurance Company of Wisconsin. Defendant demands trial by jury.

James A. Harfst, #43893 13500 Riverport Drive, Suite 175 Maryland Heights, MO 63043

(314) 542-0015 Fax (866) 292-8815 jharfst@amfam.com

Attorney for Defendant

CERTIFICATE OF SERVICE

Pursuant to Rule 103.08, I hereby certify that on this 3rd day of November, 2016, this document was electronically filed through the Missouri e-file system which will provide copies of same to all attorneys of record. Pursuant to Rule 55.03(a), the undersigned further certifies that he signed an original of this pleading and that an original of this pleading shall be maintained for a period not less than the maximum allowable time to complete the appellate process.

IN THE CIRCUIT COURT OF CITY OF ST. LOUIS STATE OF MISSOURI

RAYMOND NAGY,)	
Plaintiff)	
)	
v.)	Cause No. 1622-CC09933
)	
AMERICAN FAMILY)	Division No. 1
INSURANCE COMPANY OF)	
WISCONSIN,)	
)	
Defendant.)	
)	

DEFENDANT AMERICAN STANDARD INSURANCE COMPANY OF WISCONSIN'S ANSWER TO PLAINTIFF RAYMOND D. NAGY'S FIRST AMENDED PETITION

COMES NOW Defendant, American Standard Insurance Company of Wisconsin, and in answer to Plaintiff Raymond D. Nagy's First Amended Petition, states as follows:

- 1. Defendant admits Paragraph 1.
- 2. Defendant admits Paragraph 2.
- 3. Defendant denies that the declaration page attached to Plaintiff's First Amended Petition as Exhibit 1 is the accurate declaration page for Plaintiff's policy of insurance with Defendant. Defendant admits the remaining allegations in Paragraph 3.
 - 4. Defendant admits Paragraph 4.
- 5. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore, denies same.
- 6. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore, denies same.
- 7. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 or its sub-parts, and therefore, denies same.

- 8. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8, and therefore, denies same.
- 9. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9, and therefore, denies same.
- 10. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10, and therefore, denies same.
- 11. Defendant has insufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11, and therefore, denies same.
 - 12. Defendant denies the allegations contained in Paragraph 12.
 - 13. Defendant denies the allegations contained in Paragraph 13.
- 14. For further answer and as an affirmative defense, Defendant states that pursuant to Plaintiff's insurance policy, issued by Defendant, Defendant's liability limit shall be reduced by all payments made by or on behalf of the owner or operator of the underinsured motor vehicle.
- 15. For further answer and as an affirmative defense, Defendant expressly reserves its right to deny coverage under any other term, condition or exclusion of the policy shown to be applicable as the result of further investigation and/or pre-trial discovery. Defendant's failure to assert any of those other defenses in this Answer at this time is without prejudice of its rights to assert them later and shall not be deemed to constitute a waiver or estoppel of its rights to raise additional affirmative defenses as may be warranted.

WHEREFORE, Defendant American Standard Insurance Company of Wisconsin prays that Plaintiff's Petition be dismissed at Plaintiff's cost and for such other relief as the Court deems just and proper.

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DEFENDANT HEREBY DEMANDS TRIAL BY JURY.

James A. Harfst, #43893
13500 Riverport Drive, Suite 175
Maryland Heights, MO 63043
(314) 542-0015
Fax (866) 292-8815
jharfst@amfam.com
Attorney for American Standard Insurance
Company of Wisconsin

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of November, 2016, this document was electronically filed through the Missouri e-file system which will provide copies of same to all attorneys of record. Pursuant to Rule 55.03(a), the undersigned further certifies that he signed an original of this pleading and that an original of this pleading shall be maintained for a period not less than the maximum allowable time to complete the appellate process.